

BEST AVAILABLE COPY**REMARKS**

Applicant has carefully studied the Office Action of July 15, 2004, and offers the following remarks to accompany the above amendments in response thereto.

Initially, Applicant cancels claims 8, 24, and 36. Applicant amends claim 1 to include the subject matter of claim 8. Similarly, Applicant amends claims 17 and 29 to include the subject matter of claims 24 and 36, respectively. Applicant amends claims 9, 25, 37, and 40 to conform to the amendments to the independent claims. Claims 31 and 39 are amended to eliminate reference characters. No new matter is added.

Claims 1, 5-9, 12-15, 17, 21-25, 28-29, 33-37, and 40 were rejected under 35 U.S.C. §102(b) as being anticipated by Paul. Applicant respectfully traverses. For the Patent Office to establish anticipation, the Patent Office must show where each and every element is located in the reference. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131. If the Patent Office cannot satisfy these rigorous requirements, then the claim is not anticipated.

As Applicant has amended independent claims 1, 17, and 29 to include the subject matter of canceled claims 8, 24, and 36; Applicant focuses on the Patent Office's rejection thereof. The Patent Office rejects original claims 8, 24 and 36 by stating that "Paul teaches the display the web content in the interface frame (user's view to web pages) (col 5, lines 59-63)."

Paul, col. 5, lines 59-63, states "Based on the set access privileges, the processor 24 will control a user's access to view certain television channels and/or television programs, to certain web pages, to a credit card cache for use with online purchases, and to various diagnostic tools." While the passage does discuss that the processor 24 controls web pages, there is no discussion of the predefined content being displayed by the web browser such that the predefined content overlays information provided by the web browser in a banner format, as recited in the independent claims. In fact, Paul does not discuss a banner at all. Since Paul does not discuss a banner as recited in the independent claims, Paul cannot anticipate the claims.

Applicant requests withdrawal of the § 102 rejection of claims 1, 17, and 29 at this time.

Claims 5-7, 9, 12-15, 21-23, 25, 28, 33-35, 37, and 40 are not anticipated at least for the same reasons. Applicant requests withdrawal of the § 102 rejections of these claims at this time.

Claims 11, 27, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul and DiGiorgio et al. (hereinafter "DiGiorgio"). Applicant respectfully traverses. For the

Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is located in the combination of references. MPEP § 2143.03. If the Patent Office cannot establish obviousness, then Applicant is entitled to a patent.

Applicant traverses the rejection of claims 11, 27, and 39 because the combination of references does not show the banners recited in the independent claims. Applicant has already discussed the deficiencies of Paul. Nothing in DiGiorgio cures these deficiencies. Since the references individually do not teach or suggest the claim elements, the combination of references cannot teach or suggest the claim elements, and the Patent Office has not established obviousness. Since the Patent Office has not established obviousness, claims 11, 27, and 39 are allowable.

Claims 2-4, 18-20, and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul and Suga et al. (hereinafter "Suga"). Applicant respectfully traverses. The standard for obviousness is set forth above.

Applicant traverses the rejection of claims 2-4, 18-20, and 30-32 because the combination of references does not show the banners recited in the independent claims. Applicant has already discussed the deficiencies of Paul. Nothing in Suga cures these deficiencies. Since the references individually do not teach or suggest the claim elements, the combination of references cannot teach or suggest the claim elements, and the Patent Office has not established obviousness. Since the Patent Office has not established obviousness, claims 2-4, 18-20, and 30-32 are allowable.

Applicant requests reconsideration of the rejection in light of the amendments and remarks presented herein. The references of record do not teach or suggest the banners recited in the claims. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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